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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re GROUPON MARKETING AND
SALES PRACTICES LITIGATION

Case No. 3:11-md-02238-DMS-RBB

**NOTICE OF MOTION AND JOINT
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: September 7, 2012
Time: 1:30 p.m.
Judge: Hon. Dana M. Sabraw
Courtroom: 10

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that, on September 7, 2012 at 1:30 p.m., or as soon thereafter as
 3 this matter may be heard in Courtroom 10, of the above-captioned Court, located at 940 Front
 4 Street, San Diego, California, before the Honorable Dana M. Sabraw, Defendant Groupon, Inc.,
 5 on behalf of itself, its subsidiaries and affiliates, all other Defendants, and all Released Parties
 6 (collectively, "Defendants"), and Plaintiffs Barrie Arliss, Nevin Booth, Julie Buckley, Ashley
 7 Christensen, Jason Cohen, Adam Dremak, William Eidenmuller, Anthony Ferreira, Sarah
 8 Gosling, Eli R. Johnson, Heather Kimel, Jeff Lawrie, Michael McPherson, Sarah Mehel, Eric
 9 Terrell, Carlos Vazquez, and Brian Zard (collectively, "Plaintiffs") on behalf of themselves and
 10 on behalf of each of the Settlement Class Members, will and hereby do, jointly move this Court
 11 for an order that: (1) grants Final Approval of the Settlement; and (2) certifies the proposed
 12 Settlement Class for settlement purposes.

13 This motion is brought pursuant to Fed. R. Civ. P. 23(e) and is based on the parties'
 14 Stipulation of Settlement, dated March 29, 2012, and the exhibits annexed thereto; this Notice of
 15 Motion and Joint Motion; the Memorandum of Points and Authorities, submitted herewith; the
 16 Declaration of Shirli F. Weiss and exhibits thereto, submitted herewith; the Declaration of John J.
 17 Stoia, Jr., submitted herewith; the Declaration of the Honorable Daniel H. Weinstein (Ret.),
 18 submitted herewith; the Declaration of Tore Hodne, submitted herewith; the complete file and
 19 record in this action; the oral argument of counsel; and such other and further evidence and
 20 argument as the Court may choose to entertain.

21 This joint motion is made on the grounds that: (1) the Settlement is fair, reasonable and
 22 adequate and is the product of extensive arms-length negotiations before Judge Daniel Weinstein
 23 (Ret.) of JAMS; (2) the Settlement Class meets all the requirements for certification of a
 24 settlement class; and (3) the proposed Notice Program has been adequate and reasonable, has

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1 satisfied all of the requirements of Fed. R. Civ. P. Rule 23(c)(2)(B) and (e)(B), and constituted the
2 best notice practicable under the circumstances.

3 DATED: August 10, 2012

ROBBINS GELLER RUDMAN & DOWD LLP
JOHN J. STOIA, JR.
RACHEL L. JENSEN
THOMAS R. MERRICK
PHONG L. TRAN

7 /s/ John J. Stoia, Jr.
8 JOHN J. STOIA, JR.

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11 Class Counsel

13 DATED: August 10, 2012

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SHIRLI FABBRI WEISS
CHRISTOPHER M. YOUNG

16 /s/ Shirli Fabbri Weiss
17 SHIRLI FABBRI WEISS

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20 Attorneys for Defendants

CERTIFICATE OF SERVICE

I am a resident of the state of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper US LLP, 401 B Street, Suite 1700, San Diego, California 92101-4297. On August 10, 2012, I served the within documents:

NOTICE OF MOTION AND JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF TORE HODNE IN SUPPORT OF JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF JOHN J. STOIA, JR. IN SUPPORT OF JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF SHIRLI FABBRI WEISS IN SUPPORT OF JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF THE HONORABLE DANIEL H. WEINSTEIN (RET.) IN SUPPORT OF JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT



by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice list.



by transmitting via email the document(s) listed below to the email address(es) specified below before 5:00 p.m.



by placing the document(s) listed below in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California, addressed as set forth below.



by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, and deposited with UPS Overnight at San Diego, California to the addressee(s) specified in Exhibit B hereto.

I declare that I am employed in the office of a member of the Bar of or permitted to practice before this Court at whose direction the service was made.

Executed on August 10, 2012, at San Diego, California.



Bonnie Lott